

PATENT

Serial No. 10/527,779

Amendment in Reply to Final Office Action of July 29, 2008

REMARKS

This Amendment is being filed in response to the Final Office Action mailed July 29, 2008, which has been reviewed and carefully considered.

By means of the present amendment, independent claims 1 and 11-12 have been amended to include features similar to that of claim 5. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

By means of the present amendment, claim 12 has been amended for non-statutory reasons, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claim 12 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Final Office Action, claims 1, 3, 5, 7 and 11-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2001/0023396 (Gershko) in view of U.S. Patent No. 5,787,398 (Lowry). Further, claim 6 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over

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Gersho in view of Lowry and U.S. Patent No. 5,884,253 (Kleijn).

Claim 8 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gersho in view of Lowry and U.S. Patent No. 5,832,437 (Nishiguchi). Claim 9 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gersho in view of Lowry and U.S. Patent No. 6,963,833 (Singhal). Claim 10 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gersho in view of Lowry and Applicant's Admitted Prior Art (AAPA). It is respectfully submitted that claims 1, 3 and 5-12 are patentable over Gersho, Lowry, Kleijn, Nishiguchi, Singhal and AAPA for at least the following reasons.

On page 5 of the Final Office Action, paragraph [0090] of Gersho is cited to allegedly show the features of claim 5, where similar features have been included in independent claims 1 and 11-12. It is respectfully submitted that paragraphs [0089]-[0090] of Gersho merely disclose a "three class scheme" (Gersho, Paragraph [0090], line 1; emphasis added ) In particular, the Lowry three classes are "steady state voiced (harmonic), stationary unvoiced, and "transitory" or "transition" speech." (Gersho, Paragraph [0089], last 4 lines)

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In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claims 11-12, amongst other patentable elements recites that (illustrative emphasis provided) :

wherein the first identifier and the second identifier include six codes.

Six codes are nowhere disclosed or suggested in Gersho, Lowry, and combination thereof. Kleijn, Nishiguchi, Singhal and AAPA are cited to allegedly show other features and do not remedy the deficiencies in Gersho and Lowry. Accordingly, it is respectfully submitted that independent claims 1 and 11-12 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 3 and 5-10 should also be allowed at least based on their dependence from amended independent claim 1.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to

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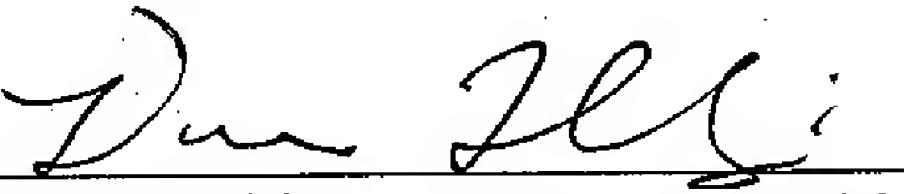
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submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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